

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Justin Mark,

No. 21-cv-1418 (KMM/DTS)

Petitioner,

v.

ORDER

B. Birkholz, *Warden of Federal Prison Camp*,
et al.,

Respondents.

Petitioner Justin Mark filed this habeas action under 28 U.S.C. § 2241 seeking application of earned time credits under the First Step Act of 2018 and immediate transfer to home confinement or a residential reentry center. [Doc. 1]. On August 4, 2022, United States Magistrate Judge David T. Schultz issued a Report and Recommendation (“R&R”) recommending that Mr. Mark’s petition be denied. [Doc. 32]. On August 19, 2022, Mr. Mark requested additional time to respond to the R&R, and the Court granted his request. [Doc. 33–34].

On September 26, 2022, Mr. Mark filed a Motion to Dismiss as Moot Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. [Doc. 35]. Mr. Mark explains that he “was finally released as required by law,” and asks the Court to dismiss this action as moot. [Doc. 35].

The Court finds no error in the R&R's conclusions or recommendation. Nevertheless, the Court declines to accept the R&R due to the changed circumstances since the R&R was issued. Because Mr. Mark has been released, his motion [Doc. 35] is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE** as moot.

Let Judgment be entered accordingly.

The Clerk of Court is directed to mail a copy of this Order to Mr. Mark at the following address: RRM-Montgomery, Maxwell AFB, Bldg 1209, 820 Willow Street, Montgomery, AL 36112.

Date: October 19, 2022

s/Katherine Menendez
Katherine Menendez
United States District Judge